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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/314,615	05/19/1999	GEORGE E. CARTER	99P7593US	5452

7590

01/16/2003

SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
186 WOOD AVEUNE SOUTH
ISELIN, NJ 08830

EXAMINER

SING, SIMON P

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 01/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/314,615

Applicant(s)

CARTER ET AL.

Examiner

Simon Sing

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Knuth et al. US 5,400,393.

Knuth discloses a telephone answering device with speakerphone capability in figures 1 and 3. Knuth's device has plurality of audio transducers [speakerphone speaker 28, speakerphone microphone 34, handset speaker, handset microphone] (column 4, lines 36-52). Knuth teaches switching from speakerphone audio transducers to handset transducers (with off-hook capability) when the handset is being lifted from its cradle (column 8, lines 44-52).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown US 5,822,406 in view of Knuth et al. US 5,400,393.

4.1 Regarding claim 1, Brown discloses an apparatus for directing audio signals between audio transducers in figures 1B and 2, comprising:

a plurality of ports [switching and line interface circuitry 111] for communicating audio signals with a plurality of audio transducers [local telephone 201, speaker 220, microphone 227, handset 226, earphone 223], at least one of the audio transducers [local telephone 201] having off-hook capability;

a transducer switch [switching and line interface circuitry 111, SAFE 1, SAFE 2, and modem controller 112], coupled to the plurality of ports, that receives a configuration for the plurality of audio transducers and that, in response to detecting an off-hook condition (column 4, lines 33-40, 56-60) of at least one of the audio transducers having off-hook capability.

Brown states that the local telephone 201 is coupled to a detector and a local phone off-hook detect (LPOHD) control signal is generated to inform the computer system that local telephone 201 has been pick up (column 4, lines 21-33, 56-60). In addition, the LPOHD control signal is constantly monitored during a speakerphone mode (Figure 19). Brown fails to explicitly teach that when the local telephone goes off-hook, the handset earpiece of the local telephone replaces the headset 223.

However, Knuth discloses a telephone answering device with speakerphone capability in figures 1 and 3. Knuth's device has plurality of audio transducers

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[speakerphone-speaker 28, speakerphone-microphone 34, handset-speaker, handset-microphone] (column 4, lines 36-52). Knuth teaches switching from speakerphone audio transducers to handset transducers (with off-hook capability) when the handset is being lifted from its cradle (column 8, lines 44-52).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Brown reference with the teaching of Knuth so that when the local telephone went off-hook, audio signals would have been switched from hands-free audio transducers to the local telephone's transducers, because such modification would have clarified the teaching of Brown, and would have enabled a user to talk over the local telephone privately.

4.2 Regarding claim 2, the Brown reference, modified by Knuth, Brown's system further includes:

a controller [modem controller 112] that receives said configuration (column 4, lines 33-37); and

a switch [switching and line interface circuitry 111] coupled to the plurality of ports and to said controller column 4, lines 25-31); and

wherein said switch switches responsive to receiving a signal from said controller to indicate detection of said off-hook condition (column 4, lines 33-40, 56-60);

4.3 Regarding claim 3, the Brown reference, modified by Knuth, teaches switching audio signal from hands-free audio transducer to off-hook transducer of telephone 15,

but fails to teach switching audio signals back from the off-hook audio transducer to the speaker 24 when the control logic 18 receives a signal from the controller when the off-hook audio transducer goes on-hook.

However, Knuth further teaches switching audio signals back from the off-hook audio transducer to the hands-free (speakerphone mode) when the off-hook audio transducers go on-hook (column 8, lines 52-59).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Brown reference with the further teaching of Knuth so that when the local telephone went on-hook, audio signals would have been switched from the local telephone's transducers to other audio transducers, because such modification would have enabled a hands-free feature.

4.4 Regarding claim 4, the Brown reference, modified by Knuth, further includes a first switch [SAFE 2, switch 216 and plug switches] for selecting one of the audio transducers that does not have off-hook capability and a second switch [modem controller 112] for selecting between the audio transducer selected by the first witch and an audio transducer that has off-hook capability.

4.5 Regarding claim 5, the Brown reference, modified by Knuth, further comprises a controller 112 for receiving a configuration for the plurality of audio transducers from a computer system (column 4, lines 21-33).

4.6 Regarding claim 6, the Brown reference, modified by Knuth, the off-hook transducer is a normal telephone (column 4, lines 56-60).

4.7 Regarding claim 7, the Brown reference, modified by Knuth, the plurality of audio transducers are microphone 227, headset 223, handset 226 and speakers 219 and 220, amplifiers 215, 217, 221 and 224, and a standard telephone 201.

4.8 Regarding claim 8, the Brown reference, modified by Knuth, further comprising:
audio circuitry [modem/computer interface 115] that communicates audio signals between the transducer switch and the system, said system comprising a computer system (Figure 1B).

4.9 Regarding claim 9, the Brown reference, modified by Knuth, at least one of the audio transducers [standard telephone 201] is a telephony device.

4.10 Regarding claim 10, the Brown reference, modified by Knuth, inherently comprises a sound card internal to said computer system (Figures 1A and 1B).

4.11 Regarding claim 11, using an external sound card instead of an internal one is just a matter of design choice, because it does not change the functionality of the system.

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4.12 Regarding claim 12, the Brown reference, modified by Knuth, is used for computer telephony (column 9, lines 53-65).

4.13 Regarding claim 13, the Brown reference, modified by Knuth, is used for messaging system (column 9, lines 1-16; column 8, lines 59-67; Figures 4 and 5).

4.14 Regarding claim 14, Brown discloses a method for managing audio transducers in figures 1B and 2, comprising:

receiving a configuration for a plurality of audio transducers (figure 6), said configuration specifying that audio signals are to be sent to a speaker [first audio transducer] and received from microphone 227 [second audio transducer] (column 9, lines 32-47);

Brown states that the local telephone 201 is coupled to a detector and a local phone off-hook detect (LPOHD) control signal is generated to inform the computer system that local telephone 201 has been pick up (column 4, lines 21-33, 56-60). In addition, the LPOHD control signal is constantly monitored during a record/playback mode (figure 6). Brown fails to explicitly teach that when the local telephone goes off-hook, the handset earpiece of the local telephone replaces the headset 223.

However, Knuth discloses a telephone answering device with speakerphone capability in figures 1 and 3. Knuth's device has plurality of audio transducers [speakerphone-speaker 28, speakerphone-microphone 34, handset-speaker, handset-microphone] (column 4, lines 36-52). Knuth teaches switching from speakerphone

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audio transducers to handset transducers (with off-hook capability) when the handset is being lifted from its cradle (column 8, lines 44-52).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Brown reference with the teaching of Knuth so that when the local telephone went off-hook, audio signals would have been switched from speaker 219 to the local telephone's handset speaker (or earpiece) [third audio transducer], because such modification would have clarified the teaching of Brown, and would have enabled private monitoring a recorded message.

4.15 Regarding claim 15, as discussed in claim 14, when the local telephone is off-hook, the input is also switched from the microphone 226 to the local telephone's handset-microphone [third audio transducer].

4.16 Regarding claim 16, the Brown reference, modified by Knuth, teaches switching audio transducers when a local telephone goes off-hook. Brown teaches that the configuration [operating mode] is pre-set (table 1, columns 6-7). Therefore, it is inherent that when the local telephone goes on-hook, the operating mode will reset to its original configuration.

4.17 Regarding claim 17, the Brown reference, modified by Knuth, teaches switching audio transducers when a local telephone goes off-hook. Brown further teaches setting the configuration in an audio device between the plurality of audio transducers and a

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computer system, wherein said configuration is received from the computer system (column 4, lines 6-10, 25-33).

4.18 Regarding claim 18, the Brown reference, modified by Knuth, teaches switching audio transducers when a local telephone goes off-hook. Brown further teaches that the configuration is inputted by a user utilizing a graphical user interface (column 4, lines 11-14).

4.19 Regarding claim 19, the Brown reference, modified by Knuth, teaches switching audio transducers when a local telephone goes off-hook. Brown further teaches:

allowing a user to select one of an input or output audio transducer (column 4, lines 6-10, 25-33); and

automatically selecting a default corresponding input or output audio transducer according to the user's selection (column 4, lines 33-37).

4.20 Regarding claim 20, the Brown reference, modified by Knuth, teaches that the third audio transducer is a telephony device and is turned on by going off hook as discussed in claim 14.

4.21 Regarding claim 21, the Brown reference, modified by Knuth, teaches switching audio transducers when a local telephone goes off-hook. Brown further teaches setting

the configuration in an audio device coupled to the plurality of audio transducers, said audio device being a sound card (Figures 1A and 1B).

Response to Arguments

5. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

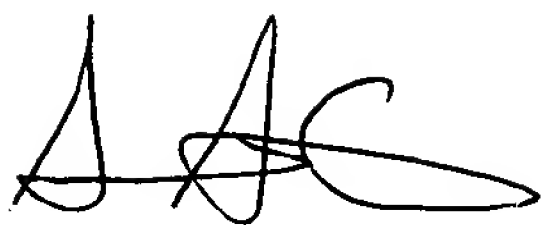
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Farinelli et al. US Patent 5,363,434, discloses an audio distribution system.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Sing whose telephone number is (703) 305-3221. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

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A handwritten signature in black ink, appearing to be 'S.S.' with a stylized flourish.

S.S.

12/30/2002

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

A handwritten signature in black ink, appearing to be 'Fan Tsang' with a long, sweeping flourish.